

In the Indiana Supreme Court



STATE OF INDIANA <i>ex rel.</i>)	Supreme Court No.
Glenn D. COMMONS, <i>et al.</i> ,)	45S00-1303-OR-209
Relators,)	
)	
v.)	
)	
THE HON. JOHN R. PERA, as CHIEF)	
JUDGE OF THE LAKE SUPERIOR)	
COURT, <i>et al.</i> ,)	
Respondents.)	

ORDER FOR MEDIATION

Relators, by counsel, applied for a permanent writ of mandamus and prohibition, seeking relief under the Rules of Procedure for Original Actions against Respondents. On March 21, 2013, this Court issued an "Emergency Writ and Order on Further Proceedings," which (1) stayed any proceedings by Respondents concerning the transfer of the Hon. Nicholas Schiralli to preside over the Lake Superior Court, Juvenile Division ("Juvenile Court"); (2) stated that the Court would appoint a Judge Pro Tempore to preside over the Juvenile Court until this Court may rule upon Relators' request for a permanent writ of mandamus and prohibition; and (3) provided that Respondents could file on or before noon on April 8, 2013, a brief opposing issuance of the writ. By separate order, this Court appointed the Hon. Thomas W. Webber, Sr., to serve as Judge Pro Tempore of the Juvenile Court, effective March 25, 2013, and until further order of this Court.

This Court concludes that it is in the best interests of the parties to earnestly engage in mediation to seek a mutually agreeable resolution of their dispute, while this original action is pending. Accordingly, the Court DIRECTS as follows:

1. On its own motion pursuant to Indiana Appellate Rule 20, and as part of its inherent authority to manage the proceedings before it, this Court refers this action to mediation.
2. This Court hereby appoints the Hon. Frank Sullivan, Jr. (Ret.), to serve as mediator.
3. The mediator may invite the Indiana Attorney General or his designee to be present at mediation, pursuant to Indiana Alternative Dispute Resolution Rule 2.7(A)(1).

4. This Court expects the mediation process to begin promptly and to proceed with all due deliberate focus. To this end, the parties are afforded until May 13, 2013, within which to seek a mediated resolution of this dispute. The mediator is requested to submit a mediation report, in the form set out in A.D.R. Rule 2.7(E)(1), within ten (10) days after completion of the mediation process, but no later than May 23, 2013. If an agreement is reached, the parties shall file the agreement in the manner set out in A.D.R. 2.7(E)(2) with this Court within ten (10) days after completion of the mediation process, but no later than May 23, 2013. This Court will then take the matter under advisement and issue any further order(s) as appropriate.

5. This Court retains jurisdiction over this original action during mediation but holds in abeyance its consideration of this original action, pending completion of mediation. However, the deadline for filing a brief opposing the writ, on or before **noon, Indianapolis time, on Monday, April 8, 2013**, remains in effect.

The Clerk is directed to send a copy of this order to the Hon. Frank Sullivan, Jr. (Ret.); to all Judges who are named Respondents¹ in this action; to R. Cordell Funk, 6629 W. Lincoln Hwy. US 30, Crown Point, IN 46307; to Gregory F. Zoeller, Indiana Attorney General; to Steve Creason, Chief Counsel and Deputy Attorney General; and to any other counsel of record. The Clerk is also directed to post a copy of this order on the Court's website.

Done at Indianapolis, Indiana, on April 1, 2013.



Brent E. Dickson
Chief Justice of Indiana

¹ In a proceeding instituted under the Rules of Procedure for Original Actions, Respondents are always a lower state court "and the judge or judges thereof." Ind. Original Action Rule 1(C). On March 20, 2013, when Relators filed this original action concerning the impending resignation of the Hon. Mary Beth Bonaventura as Judge of the Juvenile Court, and concerning her replacement, Relators named Judge Bonaventura, as Judge of that court, as one of multiple Respondents. By operation of Original Action Rule 1(C), Judge Bonaventura's status as a party to this original action terminates on her resignation as Judge of that court.